

Application No. 09/661,778

**REMARKS**

Claims 1-3 are pending in this application. Claims 4-6 have been withdrawn as the result of an earlier restriction requirement and are canceled, and claim 1 is amended. No new matter is added.

Applicants appreciate the courtesies shown to Applicants' representative by Examiner Dexter in the April 14, 2003 personal interview. Applicants' separate record of the substance of the interview is incorporated into the following remarks below.

In item 5, on page 3 of the Office Action, claims 1-3 were rejected under 35 U.S.C. §102(b) as being anticipated by or, in the alternative, 35 U.S.C. §103(a) as being obvious over EP 0 956 930 (hereinafter EP '930). The rejections are respectfully traversed.

Applicants respectfully submit that the rejection under 35 U.S.C. §102(b) is improper because the publication date for EP '930 is November 17, 1999, which is not more than one year prior to the filing date of this application (i.e., September 14, 2000). Thus, the rejection under 35 U.S.C. §102(b) is improper.

Further, it is submitted that 35 U.S.C. §102(a) cannot be applied because the publication date for EP '930 is after the foreign priority date of this application (i.e., September 16, 1999).

EP '930 is not available as prior art under any other sub section of §102. However, EP '930 has a corresponding U.S. Patent (U.S. Patent 6,341,548), which could be applied as prior art under §102(e). The U.S. 548 patent, however, does not anticipate the claimed invention and cannot be applied under 35 U.S.C. §103 because the U.S. 548 patent was filed after November 29, 1999 and is commonly assigned to the assignee of the present application. See 35 U.S.C. §103(c). Thus, the rejection under 35 U.S.C. §103(a) is also improper.

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Withdrawal of the rejections under 35 U.S.C. §102 and §103 are respectfully requested.

**Conclusion**

In view of the foregoing amendments and remarks, Applicants respectfully submit that this application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the Applicants' representative at the telephone number listed below.

Respectfully submitted,

James A. Oliff  
Registration No. 27,075

David J. Cho  
Registration No. 48,078

Date: July 22, 2003

**OLIFF & BERRIDGE, PLC**  
**P.O. Box 19928**  
**Alexandria, Virginia 22320**  
**Telephone: (703) 836-6400**

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